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THE

INTERIM

A REPORT OF INTERIM ACTIVITY . . . MONTANA LEGISLATIVE COUNCIL . . . HELENA

APRIL 1982

PLEASE



VOL. III, NO. 11

GROUND WATER CONFERENCE

APRIL 22 AND 23
APPROACHES

Now is the time to register if you plan to attend the EQC/Water Oversight Committee sponsored conference on "Planning a Ground Water Strategy." Interest is running high among a diversity of groups and persons with a stake in this vital issue. While registration at the door is possible, mundane matters like meal planning and having enough chairs are greatly simplified if you register in advance. Use your registration blank on the brochure you received or contact Howard Johnson at the EQC or Bob Person or Anne Brodsky at the Legislative Council and a form will be provided to you.

SHELVED WITH
PERIODICALS

CAPITOL RENOVATION

PLANNING PROCEEDS

Architects of the Crossman, Whitney, and Griffin firm March 12 presented preliminary schematic drawings of two alternatives possible for the Capitol renovation project. The firm's contract calls for them to prepare two sets of plans for renovation and remodeling. One set would include moving the Senate Chamber while the other would not. The current schedule calls for plans ready to be released to contractors in time for bids to be submitted by the end of this year. The Board of Examiners would then award the contract in January. The awarding of the contract would carry with it the decision as to whether the Senate would be moved under the administration's current concept. There was some indication at the March 12 meeting that this scenario could change. Preliminary cost estimates show both alternatives to be so nearly equal in price that cost cannot be an important decision factor between alternatives. Thus it might be that the Board of Examiners will choose to save the \$45,000 extra design costs for a second set of plans and direct the architects as to which scheme to follow. We will keep you informed as plans proceed. Copies of preliminary schematics are available for you to see in all legislative agencies in the Capitol.

STATE DOCUMENTS COLLECTION

APR - 5 1982

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930 E Lyndale Ave.
Helena, Montana 59601

BUSINESS

MARCH 12
MEETING HELD

The Subcommittee on Business met March 12 in the Capitol. Representative Les Kitselman, appointed to replace Representative Chuck Cozzens on the committee, was elected chairman. The committee received testimony from Maxine Johnson of the University of Montana, John Lopach of the Great Falls Economic Growth Council, Darryl Lee from Butte Local Development Corporation, and Gary Buchanan from the Montana Department of Commerce.

The committee is co-sponsoring a forum on environmental regulation and the economy, being initiated by the Environmental Quality Council.

Topics of discussion at the meeting included transportation and economic development, water development and the economy, study of economics in Montana schools, and environmental regulation and the economy.

Points made before the committee include one by John Lopach that while tax incentive programs for businesses are only marginal bottom decision points they are part of the "welcome mat" a state puts out. Problems in this area may then represent frays in the mat. Maxine Johnson suggested that government could help by removing unnecessary regulatory roadblocks at state and local levels; by keeping government efficient while assuring it continues to provide high quality education and highway establishments; and by providing equitable taxation. Gary Buchanan emphasized the usefulness of a low key personal approach in selling the state and the value to business of a well balanced state budget.

MEETING SET
APRIL 30

The committee has scheduled its next meeting for April 30 at 10:00 a.m. in the Capitol. An agenda is currently being developed by Chairman Kitselman and staff.

EDUCATION

WORK SESSION
APRIL 19

The Joint Subcommittee on Education will hold a work session on Monday, April 19, 1982, at 9:00 a.m. in Room 104 of the State Capitol. Committee members will begin framing recommendations for the final report on school funding in Montana. Public testimony will not be solicited at this meeting, but interested persons are welcome to attend. Ed Argenbright, Superintendent of Public Instruction, will speak briefly on the loss of federal education funding and how his office intends to compensate for possible losses.

FISH AND GAME

BOZEMAN MEETING
HELD MARCH 5

The Subcommittee on Fish and Game held its third meeting in Bozeman on March 5. The committee heard presentations from Jim Flynn, Director of Fish, Wildlife, and Parks, and from Spencer Hegstad, Chairman of the Montana Fish and Game Commission, on the department's land acquisition policies. The subcommittee also reviewed staff reports on the 1981 bighorn sheep permit drawing and on funding sources and land acquisition policies.

The committee conducted field observations of several game ranges in the Bozeman district during the afternoon.

The evening session was attended by more than 60 interested persons. Discussion and testimony covered sportsmen access problems, landowner concerns, department land maintenance policies, and the economic impact of fish and wildlife resources in southwestern Montana.

FRIDAY, APRIL 23
DATE SET -
GREAT FALLS

The next meeting of the Fish and Game subcommittee is scheduled for Friday, April 23, at 9:00 a.m. in Great Falls. Chairman Ed Smith and staff are developing an agenda for the meeting, as well as finding a meeting place.

HIGHWAYS

COMMITTEE
PROPOSES PACKAGE

A plan to utilize a variety of sources to raise funds to solve the highway finance crisis was tentatively approved by the Joint Subcommittee on Highways during a two-day session on March 8 and 9. In addition to reenacting the one-cent increment of motor fuels tax due to expire on July 1, 1983, the committee proposed:

-- Increasing the motor fuels tax by 3½ cents per gallon with the revenue from one-half cent to go to counties and cities for roads and streets;

-- allocating \$10 million per year of coal severance tax revenue to highways from the unreserved half of the tax income and with no impact on the constitutional trust fund;

-- allocating one-half of the revenue from the one percent raise in oil severance taxes becoming effective on April 1, 1983, to the credit of the highway reconstruction trust account to raise about \$5 million per year for highways;

-- increasing gross vehicle weight fees to increase revenue from this source by 50 percent, or about \$5 million;

-- issuing \$30 million worth of highway bonds in each of the years 1983, 1984, and 1985, to mature in 10 years, and to be retired by proceeds from the three cents per gallon raise in motor fuels taxes;

-- ending diversion of \$4.5 million per year from the highway earmarked fund to the highway patrol;

-- depositing GVV fines and driver's license fees in the highway earmarked fund to raise about \$1.3 million per year;

-- study liquid petroleum gas usage to devise a tax schedule that will require payment of an amount proportional to the tax on gasoline, based on BTU value of each fuel.

The Highways committee will meet on May 17 and 18 to adopt its funding recommendations.

HUMAN SERVICES

MARCH 13 MEETING

The Subcommittee on Human Services met on March 13, 1982. From the testimony presented to the subcommittee, three issues were identified as problem areas for the youth services system. They are: 1) state vs. local control of youth services; 2) funding of public vs. private providers of services; and 3) use of interagency committees and agreements for resolving problems in the system. The subcommittee decided to focus its attention on how the five state agencies, which provide services to youth, can better coordinate their activities. The subcommittee also decided to examine the use of the following terms: 1) youth in need of supervision, and 2) chemically dependent youth.

JUDICIARY

APRIL 23-24 DATE SET

The Montana legislative Subcommittee on Judiciary will meet for a two-day session April 23-24.

On Friday, April 23, the committee will convene at 10:00 a.m. in Room 104 of the Capitol. During this meeting, the committee will consider bills concerning state appeal of criminal sentences, random assignment of judges in criminal and civil cases, transcript notification during the appellate process, and district

court funding. Members will also continue their discussion on judicial redistricting.

On the following day, Saturday, April 24, the committee will meet at 9:00 a.m. in the same location to begin its study of legal representation for indigents. Members will examine methods used in Montana to deliver defense services and discuss the costs of providing legal representation to the poor.

ADMINISTRATIVE CODE COMMITTEE

MEETING MARCH 24

The Administrative Code Committee met on March 24, 1982. The Committee:

- Agreed to study the effect of recent filing fee increases charged by the Secretary of State and to consider recommending a decrease;

- requested the State Electrical Board to join the committee in a legal action to determine the legality of the Board's denial of some requests to take licensing examinations;

- requested the State Electrical Board to hold a public hearing on proposed rule amendments to limit the number of contractors for whom a master electrician may work;

- received a report from the Department of Agriculture concerning the status of proposed and adopted rules regulating Endrin;

- requested SRS to delay adoption of rule amendments limiting reimbursement to nursing home providers until the rule and an economic impact statement can be discussed;

- heard a presentation of the Montana Society for Association Executives supporting rule changes related to the Lobbyist Disclosure Act.

The committee will meet the latter part of April to consider:

- time limitations on the adoption of rules by the executive branch;

- possible sunset of executive agency rules;

- implied authority of local governments to adopt ordinances and resolutions;

-- the recent district court decision Montana Taxpayers' Association v. Department of Revenue, which declared unconstitutional the legislative authority to, by resolution, require administrative rule amendment;

-- state statutes mandating the adoption of rules which have not yet been complied with by executive agencies;

-- increases in certain licensing fees related to insurance agents, solicitors, adjusters, and consultants.

LOCAL GOVERNMENT FINANCE

REPORT AVAILABLE

The final report of the Governor's Local Government Finance Task Force is now available. Interested legislators should contact Scott Lockwood, Chief, Consulting Services Division of the Department of Administration. Mr. Lockwood's address is Old Livestock Building, Capitol Station, Helena, Montana 59620.

REVENUE OVERSIGHT COMMITTEE

APRIL 16 ROC MEETING

The next meeting of the Revenue Oversight Committee is scheduled in Helena on April 16 and 17. The meeting will include discussions with the Department of Revenue regarding rules, litigation, and other matters; a presentation by Burlington Northern representatives; discussion of state taxation of multinational corporations; examination of reports on the fiscal condition of local governments; liquor license issuance options; and a discussion of the senior citizen's tax credit as it relates to railroad retirement.

The meeting is scheduled to begin at 1:00 p.m. on the 16th and at 8:00 a.m. on the 17th. The meeting will take place in the Capitol in Room 104.

COAL TAX OVERSIGHT SUBCOMMITTEE

APRIL 22 AND 23 COAL TAX DATE - BILLINGS

The Coal Tax Oversight Subcommittee will meet in Billings on april 22 and 23 at the Parmly Billings Library located at 510 North Broadway. The meeting will begin at 1:00 p.m. on the 22nd and at 9:00 a.m. on the 23rd.

The subcommittee is continuing its examination of the coal tax revenue allocations and is examining background material on the various coal tax trust funds.

INDIAN AFFAIRS

APRIL 8
DATE SET

April 8 is the date for the third meeting of the Select Committee on Indian Affairs. The meeting will begin at 1:00 p.m. in the Montana Inter-Tribal Policy Board's conference room (Suite 6) at 2303 Grand Avenue, Billings, Montana.

During this meeting, Anson Baker, Area Director for the Bureau of Indian Affairs, will brief the committee on the planned closure of the Billings BIA office. James Parker Shield, Coordinator of Indian Affairs, will also report on his recent visits to Indian reservations throughout the state. In addition, committee members will discuss topics and issues for the committee to pursue during the remainder of the interim.

WATER RESOURCES OVERSIGHT

MEETING HELD
MARCH 23

The Water Resources Oversight Committee held its last meeting on March 23, 1982. The Department of Natural Resources and Conservation and Chief Water Judge W. W. Lessley reported on the latest status of the adjudication process. As of that date, 114,534 claims of water rights had been filed. Judge Lessley told the committee that the courts have prioritized 10 selected basins: Sage Creek, Lower Clark Fork, Rock Creek, Upper Clark Fork, Gallatin, Madison, Sweet Grass, Judith River, Redwater, and O'Fallon.

The department also presented reports on the water development program, the Tongue River Dam project, the Pattengaile Dam project, the status of hydropower development on state-owned water projects, and the Use It or Lose It Study, a quantitative review of Montana's water needs and the effect in Montana of water use in downstream states.

Dave Ladd, attorney for the Reserved Water Rights Compact Commission, spoke to the committee about the recent Ninth Circuit Court decision regarding Indian water rights. He stated that the question argued before the court was whether the federal or the state court is the proper forum to adjudicate federal and Indian water rights. As long as negotiations with the tribes are successful, he argued, the question of which court has jurisdiction is of little consequence. The state is appealing the circuit court decision.

Howard Johnson from EQC spoke to the committee about the April Ground Water Conference (see related article on page 1).

ENVIRONMENTAL QUALITY COUNCIL

MARCH 25-26
MEETING REVIEWED

The Environmental Quality Council met Thursday evening, March 25, and Friday, March 26. Thursday evening the Council and some members of the Legislative Finance Committee received a briefing from Max Dodson, Montana EPA Administrator, and Rich Bechtel, Montana Federal/State Coordinator, on federal proposals modifying EPA-funded environmental programs in Montana. On Friday, the Council received reports concerning the Bonneville Power Administration compliance with the Major Facility Siting Act, Prevention of Significant Deterioration (PSD) rules, Ground Water Quality rules, Pesticide rules, and small-scale and micro-hydroelectric development in Montana.

The EQC would like to address your attention to the Ground Water Conference information contained elsewhere in the Interim. We urge you to attend the Conference April 22-23 in Great Falls.

LEGISLATIVE AUDIT COMMITTEE

LEGISLATIVE AUDIT
COMMITTEE MEETING

The Legislative Audit Committee will meet May 3 in Room 104 of the Capitol.

REPORTS TO BE
ISSUED

The committee will receive and review the following financial/compliance audit report:

Montana State Library

SUNSET

Hearings will be held on the following sunset reports:

Montana Outfitters Council
Board of Aeronautics

The sunset decision process will be continued on the following reports:

Board of Water Well Contractors
Board of Water and Wastewater Operators
Board of Hail Insurance
Board of Horse Racing

REPORTS AVAILABLE

Copies of all reports are available from the Office of the Legislative Auditor, Room 135, State Capitol, telephone 449-3122.

LEGISLATIVE CONSUMER COMMITTEE

BN RELATED QUES-
TIONS SOLICITED

The Montana Consumer Counsel wishes to notify all interested legislators that the Montana Public Service

Commission is attempting to set up a firm date for a meeting with representatives of Burlington Northern Railroad. Prior to establishment of the meeting date, the Commission will be sending to Burlington Northern questions that it would like to see answered at the meeting. Any interested legislator should contact Mr. Wayne Budt at the Public Service Commission, 1227 11th Avenue, Helena, 449-2549, as to the specific areas that the Commission's questions will cover and the time and place of the meeting.

LEGISLATIVE COUNCIL

MEETING SET FOR
APRIL 12

The Legislative Council will meet April 12 in Room 139 of the Capitol. On the agenda is a report from Don Breiby concerning plans for supporting the 1983 Legislature's printing needs. The 1983 session will be the first one in many years when printing services have not been under direct management of a legislative agency. The Council will also discuss plans for setting fiscal 1983 staff salaries.

CON CON
PROCEEDINGS

Those of you who have followed the arduous process of preparing and publishing the Proceedings of the 1972 Constitutional Convention will be happy to know that the project is nearly complete. The volumes containing the proceedings and related text have been distributed to the elected officials and the libraries that were designated to receive free copies. The index is all that is not yet available but it will be out soon. Orders are being filled now, the cost - \$350. An order blank is attached.

LEGISLATIVE FINANCE COMMITTEE

MARCH 26-27
MEETING REVIEWED

At the March 26 and 27 meeting, the Legislative Finance Committee addressed issues in school transportation, vocational education, and state printing. The committee desired to pursue the state printing issue and reassess the budget amendment process at their next meeting.

STATE PRINTING

Private printers expressed concern about the lack of printing expertise in the Publications and Graphics Division of the Department of Administration, poor bid letting, and questioned if Publications and Graphics' costs were lower than private printer charges.

The committee received testimony from private printers and representatives from the Publications and Graphics Division as well as a representative for the director of the Department of Administration. Private printers

are concerned that the Publications and Graphics Division has too much control over the bidding process, possibly keeping jobs in-house that the private sector could do more economically if allowed to bid. Private printers also testified there was lack of printing expertise within the Publications and Graphics Division. The Department of Administration responded that there were areas in which improvement could be made and that a study of the Publications and Graphics Division would be made to identify problems and solutions. Private printers felt that an internal government review would not be objective. The committee agreed that a review of the Publications and Graphics Division by an unbiased expert would be in the best interest of both sides. The committee voted to have the LFA identify the availability of unbiased printing experts; the cost of hiring such an expert; and the time it would take to complete a review of this nature.

PUBLIC SCHOOL TRANSPORTATION

The Legislative Finance Committee heard a staff report on financing of public school transportation. The committee voted to request the Office of Public Instruction to study the structure of reimbursement rates for school buses and to generate cost statistics on reducing the three-mile limit (this limit does not allow state and county reimbursement for students who reside within three miles of school). In addition, the committee requested staff to estimate the cost of increasing state transportation aid to one-third of reimbursable expenses and to investigate impacts of reestablishing a school bus load requirement. The committee will take up school transportation at a later meeting to hear OPI and staff reports on the cited topics.

VOCATIONAL EDUCATION

The first report on HJR 46, a study of vocational technical education, was presented by staff. The finance committee voted to use the following concepts: 1) determine costs by instructional program; 2) determine fixed and variable costs; 3) evaluate equipment needs if detailed information is available from the centers; and 4) request the Office of Public Instruction and Legislative Council to review and assist with the clarification of statutes relating to the vo tech centers. The committee decided not to investigate the voted levy used for increased center salaries.

BUDGET AMENDMENTS

Budget amendments which do not meet the legal criteria are being processed. The committee will reexamine the criteria and discuss the objectives of the budget amendment process. Any legislators who have opinions about the process are encouraged to visit, call, or

write Judy Rippingale so all views can be summarized and presented in this review.

DISTRICTING AND APPORTIONMENT

APRIL 16
DATE SET

The next meeting of the Montana Districting and Apportionment Commission is set for Friday, April 16, at 10:00 a.m. in Room 415 of the State Capitol. The Commission has also reserved that room for Saturday, April 17, in the event its work carries over into the next day.

At this meeting the Commission will review proposals and make tentative decisions for establishing house districts in four areas around the state:

1) Glacier, Toole, Liberty, Hill, Pondera, Teton, and Chouteau Counties;

2) Gallatin, Madison, Jefferson, Beaverhead, Broadwater, Meagher, Park, Stillwater, Sweet Grass, Golden Valley, Wheatland, and Musselshell Counties;

3) Powell, Granite, and Deer Lodge Counties; and

4) Flathead, Lincoln, Lake, Sanders, and Mineral Counties.

Public comments are welcome at the meeting. Opportunity for local input also will be available when the Commission begins its tour of the state to hold public hearings this spring and summer.

LEGISLATIVE ADVISORY COMMITTEE ON SJR 34

MEETING MARCH 12

At the March 12, 1982 meeting of this committee, the study was given direction by the legislative group. The study will focus on the issues of personal care and services that use or could use the broadly applied Roominghouse/Retirement Home license category. The committee also directed that, should time allow, the study be expanded to address additional issues. Proposals on how to address the primary issues will be discussed at a committee-authorized task force meeting set for March 31, 1982. Through this task force, alternatives will be presented on methods to clarify the licensing mechanisms involving facilities and services which provide care to the young, disabled, infirm, or elderly of Montana.

The next meeting of the committee is scheduled for some time in June, 1982. During the interim, the staff and

task force will be developing the alternatives for consideration by the committee.

LEGISLATIVE INTERIM CALENDAR

APRIL

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
				1	2	3
4	5	6	7	8 INDIAN AFFAIRS Billings 1 pm	9	10
11  Happy Easter	12 LEGISLATIVE COUNCIL RM 139 10:00 am	13	14	15	16 REVENUE OVERSIGHT RM 104 1-9 pm	17 REVENUE OVERSIGHT RM 104 8am
18	19 EDUCATION COMMITTEE RM 104 9:30 am	20	21	22 COAL TAX OVERSIGHT-Billings	23 COAL TAX OVERSIGHT-Billings	24 JUDICIARY RM 104 9 am
25	26 YMCA Youth Legislature Sunday through noon Wednesday	27	28	29	JUDICIARY RM 104 - 10 am FISH & GAME COM Great Falls GROUND WATER CONFERENCE-Gr. Falls (Thurs & Fri)	
				30 BUSINESS COMMITTEE RM 104 10 am		

Meeting dates and times subject to change

LEGISLATIVE INTERIM CALENDAR

MAY		MAY		MAY		MAY		MAY	
SUNDAY		MONDAY		TUESDAY		WEDNESDAY		THURSDAY	
2	3	LEGISLATIVE AUDIT COMMITTEE (tentative)	4		5		6	7	8
									LEGISLATIVE FINANCE COMMITTEE RM 104
9	10		11		12		13	14	15
16	17	HIGHWAY COMMITTEE RM 104	18	HIGHWAY COMMITTEE RM 104	19		20	21	22
23	24		25		26		27	28	29
	30		31						

Meeting dates and times subject to change

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*March 1982: The index volume will not be completed until April or May 1982 and will be shipped separately. A typewritten copy of the Article-Section Index will be furnished in the meantime.

300 copies of this public document were published at an estimated cost of \$.53 per copy, for a total cost of \$158.53, which includes \$99.61 for printing and \$58.92 for distribution.

